
Appeal Decision

Site visit made on 2 June 2020

by M Philpott BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15th June 2020

Appeal Ref: APP/K3605/D/20/3246622

11 Hurley Close, Walton-On-Thames KT12 1LP

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Oren Paynton against the decision of Elmbridge Borough Council.
 - The application Ref 2019/2481, dated 4 September 2019, was refused by notice dated 29 November 2019.
 - The development proposed is two storey side extension, incorporating new covered entrance porch.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposed development on the living conditions of the occupiers of 12d Bowes Road, in respect of outlook.

Reasons

3. The appeal site includes a two storey, detached and gable-ended dwellinghouse with a relatively wide garden on its north-eastern side. No. 12d Bowes Road is located adjacent to the appeal site at a lower land level. No. 12d is a bungalow with a small and shallow rear garden that shares a boundary with the appeal site. The bungalow has bedrooms and a living room which look out onto the garden.
4. The proposal aims to address the reasons for refusing a similar scheme at the site¹ which was dismissed at appeal in respect of its side extension element. I have not been provided with full details of that case; however, an outline of the refused scheme is shown on the proposed elevations plan submitted in support of this appeal. It shows that the upper part of the refused extension would have continued the ridge, eaves and building lines of the dwellinghouse, with a pitched and gable-ended roof.
5. In comparison to the refused scheme, the proposed extension would be lower in overall height and its upper part would be less deep, as it would be set in further from the front and rear walls of the dwellinghouse. It would also feature

¹ Planning application reference 2017/2536

- a hipped roof. However, it would extend closer to the shared boundary with no. 12d. Notwithstanding this, I must assess the proposal on its own merits.
6. The extension would project across only part of the rear garden of no. 12d; however, it would nevertheless be close to the neighbouring property. From the lower land level of no. 12d, the extension would appear tall. In addition, it would also appear wide as a result of the expanse of brick that would be visible in its side elevation at first floor level. Most of the intervening vegetation between the properties would need to be removed. The extension's proximity, height and depth, in combination with the difference in land levels and the small and shallow nature of no. 12d's rear garden, would compromise outlook from the garden and the habitable rooms to the rear of the neighbouring property, to the extent that it would have an unacceptable and overbearing effect.
 7. I note that some of the objections to the proposal originate from properties which are not within the immediate vicinity of the appeal site. I also acknowledge that some neighbours are supportive of the development. Whilst I have taken the representations into account, I have nonetheless reached my own conclusion on the proposal and found that it would be harmful.
 8. I therefore conclude that the proposed development would have an unacceptable effect on the living conditions of the occupiers of no. 12d in respect of outlook. The proposal is contrary to Policy CS17 of the Elmbridge Core Strategy (CS), Policy DM2 of the Elmbridge Local Plan Development Management Plan and paragraph 127 of the National Planning Policy Framework which, amongst other matters, seek to protect the living conditions of occupiers of residential properties. The Council's decision notice also refers to Policy CS3 of the CS. However, I find no conflict with that policy as it provides general criteria for development within Walton on Thames and is not directly relevant to matters associated with living conditions.

Conclusion

9. For the above reasons, the appeal is dismissed.

Mark Philpott

INSPECTOR